

# **Congressman Mark Foley**

## **Statement for the Subcommittee on Economic Security, Infrastructure Protection, and Cybersecurity Hearing on H.R. 1509, the Recreational Boaters Streamlined Inspection Act March 19, 2005**

Mr. Chairman and Members of the Subcommittee, I want to thank you for holding this hearing and for inviting me to testify in favor of H.R. 1509, the Recreational Boaters Streamlined Inspection Act.

I am also pleased that Jim Ellis, President of BoatUS, will be testifying in favor of the bill. This legislation is vital to the vast number of boaters in Florida who have been living under new, burdensome federal regulations when returning from so-called "foreign ports" or in vessels in international waters that may have visited a foreign port.

Florida is a state with many recreational and charter boaters who frequently visit nearby places such as the Bahamas, which are considered foreign ports. Doing so, however, has become incredibly burdensome as a result of Department of Homeland Security (DHS) requirements put into force two years ago.

Under on-going procedures, recreational and charter boat captains and their passengers returning from a foreign port still contact and clear themselves through customs by calling a hotline number. But under the DHS requirements, they also now must report in person to an immigration officer at a U.S. Port-of-Entry (POE) within 24 hours.

This second requirement often means car rentals and long drives to the closest seaport or airport to wait in lines that often consume several hours. In addition, if the vessel returns when the immigration office is closed – which is usually the case for weekend boaters -- both captain and crew must report the following morning. This often means missed work or school.

The second requirement is a result of H.R. 2500, the Commerce, Justice, and State Department Appropriations Act for Fiscal Year 2002, which amended Section 231 of the Immigration and Nationality Act to require that all persons entering the United States "shall present" themselves to an immigration officer. This small provision, tucked into this enormous funding bill, presented the boating and charter community in my state with a stark contrast to the previous compliance regime.

Prior to implementation of these new regulations in May of 2003, boat captains made one telephone call from the marina or from their home. They were briefly interviewed and cleared for entry or ordered to stay on their vessel with their passengers until an agent could come and inspect the vessel.

Being forced under the new requirements to appear in person to often distant ports of entry has absolutely no impact on our overall efforts to tighten border security. In reality, only the law-abiding comply – when they do comply – and those wanting to harm us ignore the rules. No vessel carrying illegal aliens or contraband or terrorists will present themselves at an immigration office where they will face certain detention and arrest. This reporting requirement simply makes no sense.

Moreover, it isn't just ordinary private citizens who are being burdened under this new system in Florida. The entire marine industry has suffered as people decide not to travel or charter to avoid the hassle. Many have moved their vessels to docks in the Bahamas and flown back and forth. The same applies to many seeking charter fishing services – opting to fly directly to the Bahamas and use a vessel docked there. When they fly back to the U.S., they clear immigration much easier and faster than by sea. This is inflicting serious harm on an entire segment of Florida's economy that provides dock slips, fuel, bait, maintenance, and other products and services to the boating community.

While I strongly support, and my record reflects, the implementation of effective border controls, the government must use common sense in this process.

My legislation would require the Department of Customs and Border Protection (CBP) to implement a system nearly identical to one that has proven to be effective in dealing with this same problem for boaters using the Great Lakes and St. Lawrence Seaway.

H.R. 1509 would require Customs and Border Protection (CBP) to institute a system in Florida that uses videophones to satisfy CBP requirements for boaters returning to the United States. It would require that they install a videophone system at 13 (thirteen) maritime points-of-entry (POEs) in southeast Florida. The thirteen ports will be Sebastian Inlet, Fort Pierce Inlet, St. Lucie Inlet, Jupiter Inlet, Lake Worth Inlet, Boynton Inlet, Boca Raton Inlet, Hillsboro Inlet, Port Everglades Inlet, Bakers Haulover Inlet, Miami Harbor Inlet, Islamorada, and Key West. These locations were chosen because they are the only points of entry to Florida's inland waterways on over 200 miles of coastline between Sebastian in the north and Miami to the south. The waters between Miami and Key West would be served by videophones at Islamorada and Key West.

The purpose of the videophone system is to allow recreational and charter boaters and their passengers, who are also American citizens or lawful Permanent Residents of the United States, to satisfy BOTH the immigration and customs requirements of the Department of Homeland Security when returning to the United States from foreign ports or from international waters.

As I mentioned earlier, this system will be modeled on the videophone system called OARS, or Outlying Area Reporting Station (OARS), which was developed as an alternative to requiring all American boaters on the Canadian border from reporting in person to an Immigration office when returning to an American port. The OARS program uses videophones, typically located at public marinas or state parks, which boaters may use to report to U.S. Customs and Border Protection (CBP) officers. Currently 35 OARS units have been deployed along our maritime border with Canada.

These videophones transmit and receive both voice and video images over standard telephone lines and consists of a monitor, camera and telephone. Two videophones must be in use to place and receive video telephone calls. The videophones may be accessed 24 hours a day. Each phone has two cameras: one views the face of the traveler and the other reads the traveler's papers and identification. This allows the inspector to examine proof of citizenship and compare photo identification to the face of the traveler.

The new system in Florida will allow Immigration and Customs inspectors to retain the option of requiring boaters and all passengers to wait for a customs inspection or visit the nearest Immigration office.

Chairman Lungren, Ranking Member Sanchez, distinguished Members of the Subcommittee, I urge you to approve this legislation. Without it, law-abiding boaters in Florida are being forced to choose between non-compliance and onerous regulations that contribute absolutely nothing to national security or stem the flow of illegal aliens, terrorists or drugs into South Florida. In fact, these regulations place a burden on DHS agents to clear these law-abiding people who have volunteered themselves for inspection when these same DHS agents could be interdicting at sea those who are intent on violating our laws.

As a Floridian who has spent a lot of time on Florida's coastal and inland waterways, I can tell you that once a vessel with illegal cargo or persons enters a Florida inlet, it is virtually impossible for law enforcement officials to confront them. They blend into a maze of inland waterways, marinas, private docks and moving boat traffic. Vessels with illegal cargo must be confronted on the high seas and coastal waters well before they enter an inlet.

My legislation leaves enough leeway for CBP to modify these videophones as technology progresses. Such advances may one day include biometric data such as fingerprints or iris scans. Thus, this system could be incorporated into any larger, nationwide system that might be implemented.

There are nearly one million registered boaters in Florida who contribute \$7.8 billion into our economy. Some have estimated that nearly 70 percent of Florida boaters ignore the new rules in order to avoid missed work or school.

I urge you to approve this legislation and stop the practice of making outlaws out of these well-intentioned people.

Thank you.